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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,887	12/21/2001	Keith Alexander Harrison	30003064-2	5605

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EXAMINER

WILLIAMS, JEFFERY L

ART UNIT PAPER NUMBER

2137

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,887

Applicant(s)

HARRISON, KEITH ALEXANDER

Examiner

Jeffery Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/19/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/29/02, 3/13/02, 12/21/01
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION***Title***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Specification

The abstract of the disclosure is objected to because it should be limited to a single paragraph and should not repeat information given in the title. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of an application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

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REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A

"Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 – 10, 13 – 26, 29 – 42, 45, and 46 are rejected under 35

U.S.C. 102(b) as being anticipated by Khello, "Method and Apparatus for User Authentication", U.S. Patent 5,724,423.

Regarding claim 17, Khello discloses:

1 *a personal communication device, the personal communication device*
2 *comprising a memory in which is stored a secret* (Khello, fig. 3; elems. 29, 34; col. 2,
3 line 63 – col. 3, line 11; col. 8, lines 27-46). Khello discloses the use of memory to store
4 secrets such as a user PIN, encoding keys, and secret encoding algorithms.

5 *and a digital device capable of communication with the personal communication*
6 device (Khello, fig. 4),

7 *the personal communication device being configured whereby upon the digital*
8 device requesting a secret from the personal communication device, the personal
9 communication device requests confirmation from a user that the secret can be
10 provided and provides the secret to the digital device only if the confirmation is provided
11 by the user (Khello, col. 1, lines 26-32; col. 6, lines 5-30).

12
13 Regarding claim 18, Khello discloses:

14 *in which the communication capable of being established between the personal*
15 communication device and the digital device is wireless communication (Khello, col. 5,
16 lines 46 – 65). Khello discloses that users may access services using a portable
17 radiotelephone.

18
19 Regarding claim 19, Khello discloses:

20 *in which the secret is encrypted in the memory and the digital device is capable*
21 of decrypting the secret (Khello, col. 6, lines 20-30, 47-67; col. 7, lines 17-36).

22

1 Regarding claim 20, Khello discloses:

2 *in which the secret is encrypted according to a key provided by the digital device*

3 (Khello, col. 7, lines 17-36; col. 8, lines 27-55; Abstract, lines 12-14). Khello discloses

4 that the user authentication service provides the personal communication device with a

5 program for analogously deriving the identical key (thus providing a key) as well as

6 secret encryption algorithms for encrypting the PIN.

7
8 Regarding claim 21, Khello discloses:

9 *in which the confirmation comprises the user providing a secret* (Khello, col. 6,
10 lines 20-30).

11
12 Regarding claim 22, Khello discloses:

13 *in which to request the secret, the digital device is configured to establish contact*
14 *with the personal communication device and the personal communication device is*
15 *configured to indicate to the user that a request for a secret has been received* (Khello,
16 col. 5, line 57 – col. 8, line 30).

17
18 Regarding claims 23 and 24, Khello discloses:

19 *in which the indication comprises providing an audible signal and in which the*
20 *indication comprises providing a visual signal* (Khello, col. 6, lines 20-30).

21
22 Regarding claim 25, Khello discloses:

1 *in which the personal communication device is configured whereby upon receipt*
2 *of the request the personal communication device provides to the user a selection of*
3 *options of which at least one is to approve the request by selecting the relevant option*
4 (Khello, col. 8, lines 20-47; col. 9, lines 50-55). Khello discloses that the personal
5 communication device provides to the user the ability to select one from a plurality of
6 “secrets” (secret encryption algorithms) so as to uniquely encode a PIN and then
7 transmit the PIN to the user authentication center.

8
9 Regarding claim 26, Khello discloses:

10 *in which the memory stores a plurality of secrets and the personal*
11 *communication device is configured to provide a user with plurality of secrets from*
12 *which to select the secret to be provided to the digital device* (Khello, col. 8, lines 20-47;
13 col. 9, lines 50-55). Khello discloses that the personal communication device provides
14 to the user the ability to select one from a plurality of “secrets” (secret encryption
15 algorithms), stored in the device memory, so as to uniquely encode a PIN and then
16 transmit the PIN to the user authentication center.

17
18 Regarding claim 29, Khello discloses:

19 *in which the digital device is a non-cellular device* (Khello, fig. 1, elem. 20).

20
21 Regarding claim 30, Khello discloses:

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1 *in which the digital device comprises a modem for communication with the*
2 *personal communication device* (Khello, fig. 1, elem. 18; fig. 4, elem. 48). Khello
3 discloses the digital device as comprising a communication device for receiving
4 telecommunications (a "modem") from the personal communication device.

5
6 Regarding claim 31, it is rejected for the same reason as claim 17, and further
7 because Khello discloses:

8 *the personal communication device is configured to request confirmation from a*
9 *user that the secret can be provided and provides the secret to the digital device only if*
10 *the confirmation is provided by the user* (Khello, col. 6, lines 20-30). The secret is
11 provided only when the user initiates ("confirms") the transmission of the secret.

12
13 Regarding claim 32, it is rejected for the same reason as claims 17 and 25.

14
15 Regarding claims 1 – 10, 13 – 16, 33 – 42, and 45, and 46, they are the method
16 and apparatus claims corresponding to the system claims above, and they are rejected
17 for the same reasons.

1 **Claims 1, 17, and 33 are rejected under 35 U.S.C. 102(b) as being**
2 **anticipated by Hayashi et al., "Connection of a mobile wireless terminal to a host**
3 **computer", GB 2,324,682 A.**

4 Regarding claims 1, 17, and 33, they are rejected for the reasons provided by the
5 Search Report (application #GB 0031428.6) conducted on 9/12/2001 as submitted by
6 applicant on 12/21/2001.

7
8 **Claims 1, 17, and 33 are rejected under 35 U.S.C. 102(a) as being**
9 **anticipated by Tuneld et al., "Mobile Telephone Auto PC Logon", WO 00/31608.**

10 Regarding claims 1, 17, and 33, they are rejected for the reasons provided by the
11 Search Report (application #GB 0031428.6) conducted on 9/12/2001 as submitted by
12 applicant on 12/21/2001.

13
14 **Claims 1, 17, and 33 are rejected under 35 U.S.C. 102(a) as being**
15 **anticipated by Kataoka, "Portable data communication terminal with separate**
16 **user authenticating security device in radio communication with the terminal",**
17 **GB 2,341,061 A.**

18 Regarding claims 1, 17, and 33, they are rejected for the reasons provided by the
19 Search Report (application #GB 0031428.6) conducted on 9/12/2001 as submitted by
20 applicant on 12/21/2001.

21

22

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12, 27, 28, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khello in view of Hayashi et al., "Connection of a Mobile Wireless Terminal to a Host Computer", GB 2,334,682 A.

Regarding claims 27, Khello discloses using a portable radiotelephone for authenticating a user to a remote system. Khello does not disclose that the radiotelephone is a cellular communication device.

Hayashi et al. discloses using a portable radiotelephone for authenticating a user to a remote system. The portable radiotelephone of Hayashi et al. is a cellular communication device (Hayashi et al., fig. 1; page 7, line 14 – page 8, line 3).

It would have been obvious to one of ordinary skill in the art to employ the teaching of using cellular technology with portable radiotelephones of Hayashi et al. with the portable radiotelephone system of Khello. This would have been obvious because one of ordinary skill in the art would have been motivated to enhance the service provided to radiotelephone users as cellular technology would handle simultaneous connections on the same frequencies, accommodate more subscribers than would a

1 single central antenna, provide mobile users with better reception via cell switching, as
2 well as provide numerous other benefits cellular technology has over the older central
3 antenna radio systems.

4 Thus the combination of Khello and Hayashi et al., discloses:
5 *in which the personal communication device comprises a cellular communication*
6 *device* (Khello, fig. 1, elem. 12; Hayashi et al., fig. 1).

7
8 Regarding claim 28, the combination of Khello and Hayashi et al., discloses:
9 *in which the personal communication device comprises a cellular telephone for*
10 *voice calls* (Khello, col. 5, line 57 – col. 6, line 9).

11
12 Regarding claims 11, 12, 43, and 44, they are the method and apparatus claims
13 corresponding to the system claims above, and they are rejected for the same reasons.

14
15
16 **Conclusion**

17
18 A shortened statutory period for reply is set to expire 3 months (not less than 90
19 days) from the mailing date of this communication.


20 Any inquiry concerning this communication or earlier communications from the
21 examiner should be directed to Jeffery Williams whose telephone number is (571) 272-
22 7965. The examiner can normally be reached on 8:30-5:00.

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1 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
2 supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone
3 number for the organization where this application or proceeding is assigned is 703-
4 872-9306.

5 Information regarding the status of an application may be obtained from the
6 Patent Application Information Retrieval (PAIR) system. Status information for
7 published applications may be obtained from either Private PAIR or Public PAIR.
8 Status information for unpublished applications is available through Private PAIR only.
9 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
10 you have questions on access to the Private PAIR system, contact the Electronic
11 Business Center (EBC) at 866-217-9197 (toll-free).

12
13
14 Jeffery Williams
15 Assistant Examiner
16 Art Unit 2137
17 6.03.2005
18



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER